

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

3:09-cr-130

UNITED STATES OF AMERICA

vs.

MOICES GARDUNO VALENCIA (3)

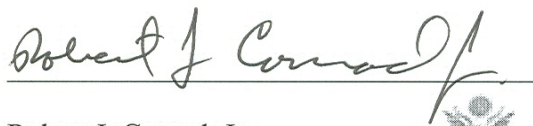
ORDER

**THIS MATTER** is before the Court upon motion of the defendant, pro se, requesting that the Court reduce his sentence. (Doc. No. 125).

The defendant seeks a downward departure because United States citizens are allegedly entitled to different privileges within the Bureau of Prisons that may result in reduced sentences, which he claims is an equal protection violation. The defendant's conviction is now final, and the Court previously dismissed his 28 U.S.C. § 2255 as untimely. (Doc. No. 123: Order). Therefore, the Court is without jurisdiction to consider the defendant's claim.

**IT IS, THEREFORE, ORDERED** that the defendant's motion (Doc. No. 125) is **DENIED**.

Signed: October 16, 2012



Robert J. Conrad, Jr.  
Chief United States District Judge

